

Service Date: February 2, 1994

FINAL ORDER NO. 6281

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Lake County Council)	
on Aging, Ronan, Montana, application)	Docket T-93.108.PCN
application for a Montana Intrastate)	
Certificate of Public Convenience and)	Order No. 6181
Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On August 12, 1993, the Lake County Council on Aging, 528 Main Street S.W., Ronan, Montana filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Passengers in charter service between points and places in Lake, Sanders, Flathead and Missoula Counties. Limitations: 1) Transportation must originate in and return to Lake County. 2) Transportation is limited to that provided for nonprofit or charitable organizations (whose passengers may be under the age of 60 and who are not disabled). The organizations must be recognized as nonprofit under Section 501(c) of the Internal Revenue Code.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public September 8, 1993. That notice said in pertinent part:

If no written protests are received by September 28, 1993, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by James E. Michael dba Kalispell Taxi, Kalispell, Montana and Beach Transportation Co., Missoula, Montana.

4. Commission staff requested protestants to clarify under what authority they could provide any part of the service proposed by the Applicant. Subsequently, all protests were withdrawn, since neither protestant held authority to provide any portion of the service sought.

5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission,

Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 10th day of January, 1994, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-93.108.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Lake County Council on Aging**, Ronan, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers in charter service between points and places in Lake, Sanders, Flathead and Missoula Counties. Limitations: 1) Transportation must originate in and return to Lake County. 2) Transportation is limited to that provided for nonprofit or charitable organizations (whose passengers may be under the age of 60 and who are not disabled). The organizations must be recognized as nonprofit under Section 501 (c) of the Internal Revenue Code.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 10th day of January, 1994, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the FINAL ORDER issued in Docket No. T-93.108.PCN in the matter of LAKE COUNTY COUNCIL ON AGING, has today been sent to all parties listed.

MAILING DATE: February 2, 1994

FOR THE COMMISSION

FIRST CLASS MAIL:

James E. Michael
dba Kalispell Taxi Service
P.O. Box 2508
Kalispell, MT 59901

Beach Transportation Company
825 Mount Avenue
Missoula, MT 59801

Lake County Council on Aging
528 Main St. S.W.
Ronan, MT 59864

AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel
34 West Sixth
Helena, Montana 59601